

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
PLAINTIFF,	)	
	)	
v.	)	CIVIL ACTION NO. 2:07cv240-MHT
	)	
FIFTY FOUR THOUSAND (\$54,000)	)	
DOLLARS IN UNITED STATES	)	
CURRENCY; and,	)	
	)	
FIVE THOUSAND FOUR HUNDRED	)	
THIRTY SIX AND 33/100	)	
(\$5,436.33) DOLLARS IN UNITED	)	
STATES CURRENCY,	)	
	)	
DEFENDANTS.	)	

MOTION FOR DECREE OF FORFEITURE

Pursuant to the Federal Rules of Civil Procedure and Rule G of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims, the United States of America (United States) respectfully moves this Court for entry of a Decree of Forfeiture. This Motion is supported by the previously filed Verified Complaint for Forfeiture In Rem, Warrant of Arrest In Rem, and Entry of Default against Gerard Burdette and all others persons and entities having an interest in the Defendant currency.

A proposed Decree of Forfeiture is submitted herewith.

Respectfully submitted this 5<sup>th</sup> day of December, 2007.

FOR THE UNITED STATES ATTORNEY  
LEURA G. CANARY

/s/John T. Harmon

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DECREE OF FORFEITURE

On March 16, 2007, a Verified Complaint for Forfeiture In Rem against the Defendant Fifty Four Thousand (\$54,000) Dollars in United States currency and Five Thousand Four Hundred Thirty Six and 33/100 (\$5,436.33) Dollars in United States currency was filed on behalf of the United States of America. The Complaint alleges that the Defendant currency was used or intended to be used in exchange for controlled substances, or represents proceeds of trafficking in controlled substance, or was used or intended to be used to facilitate the commission of a violation of Title II of the Controlled Substances Act, Title 21, United States Code, Section 801 et seq.; and, therefore, it is subject to forfeiture to the United States pursuant to Title 21, United States Code, Section 881(a) (6).

It appearing that process was fully issued in this action and returned according to law;

That pursuant to a Warrant for Arrest In Rem issued by this Court, the United States Marshals Service for the Middle District of Alabama arrested the Defendant currency on March 30, 2007;

That notice of this action was published in the Montgomery Advertiser on April 9, 16 and 23, 2007;

That on April 4, 2007, a United States Marshal attempted personal service on Gerard Burdette at 1336 Whisperwood Court, Montgomery, Alabama 36117. Notice of the endeavor was left at Gerard Burdette's place of residence and abode.

That on May 1, 2007, Kannan Sharp, Legal Secretary for Bruce Maddox, Attorney at Law, accepted service on behalf of Gerard Burdette, and was personally served by the United States Marshals Service with a copy of the Verified Complaint for Forfeiture In Rem, Notice of Arrest and Seizure, and Warrant and Summons for Arrest In Rem.

That on November 28, 2007, Gerard Burdette and all other persons and entities having an interest in the Defendant currency were defaulted for failure to file a claim within the time permitted by Rule G of the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Claims; and,

That no other claim or answer has been filed on behalf of any other party.

Now, therefore, on motion of the United States of America for a Decree of Forfeiture and for good cause otherwise shown, it is hereby:

ORDERED, ADJUDGED, AND DECREED that the Defendant currency be forfeited to the United States of America and no right, title or interest in the Defendant currency shall exist in any other party; and,

The Defendant currency shall be disposed of according to law.

DONE this the \_\_\_\_ day of \_\_\_\_\_, 2007.

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UNITED STATES DISTRICT JUDGE